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U.S. APPLICATION NO.

09/763319

FIRST NAMED APPLICANT

FIEBACK

ATTY. DOCKET NO.

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22994 PCT/US

INTERNATIONAL APPLICATION NO.

PCT/EP99/04730

I.A. FILING DATE

PRIORITY DATE

06 JUL 99

20 AUG 98

DATE MAILED:

13 MAR 2001

DUE APRIL 13, 2001MARTIN A FARBER
866 UNITED NATIONS PLAZA SUITE 473
NEW YORK, NY 10017**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),
☒ an Elected Office (37 CFR 1.495):
☒ U.S. Basic National Fee.
☒ Copy of the international application in:
☒ a non-English language.
☐ English.
☒ Translation of the international application into English.
☐ Oath or Declaration of inventors(s) for DO/EO/US.
☐ Copy of Article 19 amendments.
☐ Translation of Article 19 amendments into English.
☐ The International Preliminary Examination Report in English and its Annexes, if any.
☐ Translation of Annexes to the International Preliminary Examination Report into English.
☒ Preliminary amendment(s) filed 16 FEB 2001 and
☒ Information Disclosure Statement(s) filed 16 FEB 2001 and
☐ Assignment document.
☐ Power of Attorney and/or Change of Address.
☐ Substitute specification filed
☐ Verified Statement Claiming Small Entity Status.
☒ Priority Document.
☒ Copy of the International Search Report ☒ and copies of the references cited therein.
☐ Other:

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).
3. Additional claim fees of \$ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☐ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.
5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice *MUST* be returned with this response.

Enclosed:

☐ PCT/DO/EO/917☐ Notice of Defective Translation☐ PTO-875

FORM PCT/DO/EO/905 (December 1997)

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JCO4 Rec'd PCT/PTO 1 1 APR 2001

22994 PCT/US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

USA National Stage Patent Application
PCT/EP99/04730 filed July 6, 1999

Klaus Fieback, et al

Serial No.: 09/763,319

First Submission: February 16, 2001

LATENT HEAT BODY WITH PORE STRUCTURE AND
METHOD FOR THE PRODUCTION THEREOF

CERTIFICATE OF MAILING ON LAST PAGE

Hon. Commissioner of Patents & Trademarks
Washington, D.C. 20231

S I R :

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 USC
371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)
AND SUBMISSION OF DECLARATION AND SURCHARGE FEE

In response to the Office Action dated March 13, 2001
respectfully submitted herewith is the signed and dated Combined
Declaration of the inventors (3 pages) in compliance with 37 CFR
1.63 and 37 CFR 1.66 or 37 CFR 1.68 and 37 CFR 1.497(a) and (b),
identifying the application by PCT International application no.
and international filing date and with power of attorney.

Enclosed is check 13745 \$130.00 the surcharge fee for providing
the oath or declaration later than the appropriate 20 or 30
months from the earliest priority filing date.



The English translation of the PCT application and the Preliminary Amendment were submitted on February 16, 2001.

Please enter the Preliminary Amendment before calculating claim fees.

An IDS with an English version of the International Search Report, 2 PTO-1449 forms and 1 reference were filed on February 16, 2001 to meet the duty of disclosure. The references cited in the International Search Report were acknowledged as received by the PTO.

The Commissioner is hereby authorized to charge any or additional fees which may be required, or credit any overpayment to deposit account no. 06-0105.

Respectfully submitted,

Klaus Fieback, et al

by: MARTIN A. FARBER
Attorney for Applicants
Registered Representative
Registration No. 22,345

CERTIFICATE OF MAILING UNDER 37 CFR SECTION 1.8(a)

I hereby certify that the accompanying Response to Notification of Missing Requirements under 35 USC 371 in the United States Designated/ Elected Office (DO/EO/US), signed Combined Declaration (3 pages), and check 13745 \$130.00 surcharge fee are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents & Trademarks, Washington, D.C. 20231, on April 11, 2001.

Dated: April 11, 2001

Martin A. Farber

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